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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,216	07/25/2003	Akira Hagiwara	16CT01218	4232

7590 09/19/2007
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EXAMINER

TRAN, NHAN T

ART UNIT	PAPER NUMBER
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2622

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09/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/627,216	Applicant(s) HAGIWARA, AKIRA	
	Examiner Nhan T. Tran	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on 7/25/2003, 6/7/2007 and 6/13/2007 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements have been considered by the examiner.

Preliminary Amendment

3. The preliminary amendments to specification filed 7/25/2003 and claims are accepted.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 7, 9 & 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Rubinsky (WO 02/24062).

Regarding claim 1, Rubinsky discloses a medical image capturing system (Fig. 1) comprising:

a gantry apparatus (located at patient site 206 in Fig. 1) for collecting imaging data of a subject (see page 16, lines 11-16 and page 11, lines 2-10, it is noted that gantry is encompassed by the MRI or CT imaging device in addition to EIT);

an operation console (computer 110) for sending an operation command to said gantry apparatus (Fig. 2B and page 12, line 1-23, wherein the command is sent to device 114 by computer 110 connected to the server 200 in Fig. 1);

at least one server (200) apparatus communicably connected to said operation console via a network (internet 202);

wherein said operation console comprises: a receiving device (input port of computer 110 for receiving signal from 114) for receiving the collected imaging data from said gantry apparatus; and a transmitting device (modem 112) for transmitting said received imaging data to said server apparatus (see Fig. 1-2D and page 10, line 24 – page 12, line 23, wherein imaging data is represented by the current and voltage values of a raw data);

said server apparatus comprises: an image producing device (modem 104) for producing a medical image based on said imaging data transmitted from said operation console; and a transmitting device for transmitting said produced medical image to said operation console (see Fig. 2C and page 12, line 24 – page 13, line 30).

Regarding claim 2, it is clear in Rubinsky that each said server apparatus comprises a separate image producing device (computer 100 executes a software at steps 54-55 in Fig. 2C) for producing a medical image by a different algorithm based on said imaging data transferred from said operation console, and said operation console further comprises a selecting device (computer 110 and modem 112) for selecting a server apparatus to which said imaging data received by said receiving device is to be transferred (see Fig. 1 and 2A for log on to server site at step 16).

Regarding claim 7, this claim is also met by the analysis of claim 1.

Regarding claims 9 & 10, these claims are also met by the analyses of claims 1 & 2, respectively.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-14 are rejected under 35 U.S.C. 102(a) as being anticipated by Kassai et al. (EP 1 229 472).

Regarding claim 1, Kassai discloses a medical image capturing system (Fig. 1) comprising:

a gantry apparatus (221 in Fig. 2) for collecting imaging data of a subject (see [0017]);

an operation console (a computer 222 in Fig. 2) for sending an operation command to said gantry apparatus (see [0017]-[0019]);

at least one server (center server 1 in Fig. 1) apparatus communicably connected to said operation console via a network (33); wherein said operation console comprises: a receiving device (221-6 in Fig. 2) for receiving the collected imaging data from said gantry apparatus; and a transmitting device (network interface) for transmitting said received imaging data to said server apparatus (see Figs. 1-4 and [0025]-[0026], wherein the computer of MRI system 2 transmits image data in addition to other data to the center server 1 as log files);

said server apparatus comprises: an image producing device (computer system shown in Fig. 3) for producing a medical image (on a display unit in Fig. 4) based on said imaging data transmitted from said operation console; and a transmitting device for transmitting said produced medical image to said operation console (see Fig. 4 and [0022] and [0050]-0051], wherein the image data sent from the MRI system 2 is updated by latest image processing software and sent back to the MRI together with the latest software).

Regarding claim 2, Kassai discloses that each said server apparatus comprises a separate image producing device (Fig. 3) for producing a medical image by a different algorithm (i.e., latest image processing software) based on said imaging data transferred from said operation console (see [0020]-[0022], [0030] and [0050]-0051)), and said operation console further comprises a selecting device (computer and network interface) for selecting a server apparatus to which said imaging data received by said receiving device is to be transferred (see [0025]-[0026]).

Regarding claim 3, Kassai further discloses that said server apparatus further comprises a conveying device (i.e., charge calculation unit 14 in Fig. 3) for conveying billing information concerning use of said image producing device to said operation (see [0031]).

Regarding claim 4, Kassai also discloses that said server apparatus further comprises a conveying device for conveying a medical image attached with an image representing the billing information concerning use of said image producing device to said operation console (see Fig. 4 and [0031]).

Regarding claim 5, it is clear in Kassai that said billing information relates to a billing charge corresponding to the amount of data processed by said image producing device (see [0031]).

Regarding claim 6, it is also clear in Kassai that said billing information relates to a billing charge corresponding to the time required for processing and producing said medical image by said image producing device (see [0031]).

Regarding claim 7, this claim is also met by the analysis of claim 1.

Regarding claim 8, this claim is also met by the analysis of claim 3.

Regarding claims 9-14, these method claims are also met by the analyses of claims 1-6, respectively.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



NHAN T. TRAN
Patent Examiner